

MEBANE CITY COUNCIL
REGULAR MEETING
SEPTEMBER 14, 2009

Members Present: Tim Bradley Patty Philipps
 Ed Hooks Everette Greene

One vacancy exists

Mayor Glendel Stephenson called the regular monthly meeting to order at 6:00 p.m. in the Civics Room of the Mebane Arts & Community Center. Councilmember Bradley gave the invocation.

City Manager Robert Wilson introduced Davis Montgomery of Duke Energy. Mr. Montgomery thanked the staff and Council for submitting their proposal, on behalf of the City of Mebane, for the North Carolina Overhead to Underground Conversion Plan Pilot Program. He explained that Duke Energy has given careful consideration to all aspects of the proposal and the extent to which it conforms to the Pilot approved by the North Carolina Utilities Commission. He said after evaluation of the proposal it was unfortunately determined that the proposed project did not meet all of the conditions for the Pilot. Mr. Montgomery explained which conditions were not met and spoke briefly about future alternative options which can be discussed further when the Council desires. After some discussion, no formal action was taken.

The Council received a request from Otha Hester, Owner/Operator of Mebane Taxi Service, to add another vehicle to his operation. Mr. Hester spoke on behalf of his request. After some discussion, Councilmember Hooks made a motion, seconded by Councilmember Philipps, to approve the request. The motion carried unanimously.

Councilmember Hooks made a motion, seconded by Councilmember Bradley, to adopt a Resolution Identifying the Area Described Herein as Being Under Consideration for Annexation. The motion carried unanimously.

City Engineer Darrell Russell of Alley, Williams, Carmen & King, Inc. (AWCK) introduced Josh Johnson, P.E. of AWCK. Mr. Johnson gave a report on the Jordan Lake Water Nutrient Strategy for the Jordan Lake Rules. He stated the intent of the strategy is to improve water quality that has been impaired in Jordan Lake by nutrients and by algae. Mr. Johnson briefly hit on 4 of the 12 rules: Stormwater Management for Existing Development, Wastewater Discharge Requirements, Existing Riparian Buffer Management and Stormwater Management for New Development. He stated these rules require programs, policies, ordinances, and other actions from local governments. Each rule has different actions and a different timeframe for implementation. Some of these actions need to be completed by the end of 2009; others are not required until after March 2017. No formal action was taken.

City Engineer Darrell Russell of AWCK reported on the pavement coring on Clay Street. Mr. Russell stated as requested by Council, they have made a survey of the 100 block of Clay Street to determine pavement slopes and evaluate for possible upgrades. Mr. Russell reported the findings and presented options for possible street upgrades, along with costs associated with the upgrades. He discussed the options. Option No. 1- Milling the existing asphalt down to concrete and resurfacing with 1.25" of surface course. The estimated cost of Option No. 1 is \$75,000. Option No. 2- Partial pavement milling and complete pavement removal (including the concrete) in a 25ft. section along 350ft. of the street centerline. The estimated cost for Option No. 2 is \$145,000. Mr. Russell stated that these are only estimates and he recommended, if Council would like to move forward, to take bids for actual costs. Council questioned which option staff recommends. Mr. Russell answered Option No. 1. Council questioned how much time the project would take. Mr. Russell stated weather permitting 2-3 weeks for Option No. 1 and approximately 2 months for Option No. 2. Council, staff and interested parties present discussed the best time to begin the project. Councilmember Hooks made a motion, seconded by Councilmember Philipps, to have Mr. Russell move forward with the bidding process for the Clay Street Pavement project. The motion carried unanimously.

Mayor Stephenson asked to be excused; he left the meeting at 6:42 p.m. Mayor Pro-Tem Philipps then took over.

No one spoke during the Public Comment period.

A Public Hearing was held on a request from Beverly Mitchell for approval of an amendment to the CU-B-2 (Conditional Use-General Business) Beauty Salon previously approved by the City Council on July 9, 2007 located at 4695 White Level Road, Mebane, NC 27302 to allow a Daycare Center. Beverly Mitchell spoke on behalf of the request. She stated that she currently runs a daycare out of her home and has done so for 11 years. She would like to expand her daycare and plans to lease the property located at 4695 White Level Road. The applicant requested a change of use from a beauty salon to a daycare center. No one from the public spoke concerning the request. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the request for an amendment the CU-B-2 to allow a Daycare Center. The motion carried unanimously.

The Council received a request for consideration of Appointments to the Planning Board. Councilmember Philipps stated after reviewing the Unified Development Ordinance and the responsibilities of the Planning Board members, she feels that having 14 required seats is a huge and unmanageable number. She researched surrounding municipalities and their current number of members on their Planning Boards. She suggested that Mebane lower their number of required seats. Councilmember Bradley stated he had come prepared to vote on two applicants but he had received requests from current members of the Planning Board to lower the number of seats. Councilmember Hooks and Councilmember Greene agreed. The Council directed staff to look at the structure of Planning Boards with like size cities and to come back with a recommendation.

The Council received a request from Home Owners in the Governors Green Subdivision to lower the speed limit from 35 mph to 25 mph. Michele Rinaldi, 1206 Bethpage Drive, Mebane, NC spoke on behalf of the request. She presented Council with a petition of signatures from residents in the Governor's Green subdivision. The petition stated along with a request to reduce the speed limit, they further petition the city to enforce the new speed limit by placing a policeman in the areas where excessive speeders are likely for a three month period after the new speed is posted. Council discussed the consideration of lowering the speed limit to 30mph instead of 25 mph. After some discussion, Council requested staff to research different designs of speed bumps that would not be destructive to hydraulic vehicles such as emergency vehicles, sanitation trucks, etc. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to reduce the speed limit in the Governor's Green subdivision from 35mph to 30mph along with stronger speed limit enforcement in that area. In addition to the motion, Council directed staff to look into the potential for speed bumps and to bring back the results of a past study pertaining to Mebane's city wide speed limits to be presented at the November meeting. The motion carried unanimously.

Councilmember Hooks made a motion, seconded by Councilmember Greene, to accept a petition of voluntary annexation from GDR Enterprises, LLC for the property of "Center Street Plaza" located at 526 W. Center Street, Mebane, NC. The motion carried unanimously.

Councilmember Greene made a motion, seconded by Councilmember Bradley, to adopt a Resolution Directing the City Clerk to Investigate the Sufficiency of Petition for Annexation. The motion carried unanimously.

A budget amendment was requested for unperformed contracts for the budget year 2008/2009. As of June 30, 2009 the contracts needing to be re-appropriated into the new years budget are as follows: Triangle Grading & Paving, Inc.-Storm Sewer-Clay Street-\$134,896.24, Mace Grading Co., Inc.-Construction-Cemetery-\$53,567.06 and Alley, Williams, Carmen & King- WWTP-Contract Amendment #1- \$23,112.71. Councilmember Hooks made a motion, seconded by Councilmember Greene, to approve the request. The motion carried unanimously.

A budget amendment was requested in the amount of \$5,900.00 for 8 pieces of original artwork for the newly renovated city hall painted by artist Jill Troutman. Councilmember Hooks made a motion, seconded by Councilmember Bradley, to approve the request. The motion carried unanimously.

Councilmember Hooks made a motion, seconded by Councilmember Greene, to approve the Tax Releases and Refunds. The motion carried unanimously.

City Attorney Charles Bateman spoke briefly concerning a new requirement enacted by the General Assembly to become effective on January 1, 2010 which will require all Cities, Counties, Local Boards of Education, Unified Governments, Sanitary Districts, and Consolidated City-Counties to adopt a Code of Ethics for the Governing Board and to require the members of those Governing Boards to receive education on Ethics Laws applicable to Local Government Officials.

As a past additional item, Councilmember Philipps spoke concerning the National Registry of Historical Places designation for 2 possible districts in Mebane one being the downtown business district and the other being old south Mebane. In the past Mrs. Philipps reported that City Manager Robert Wilson, Planning Director Montrena Hadley and her self had met with a consultant about the cost associated with preparing the nominations for those districts. She stated that since her last report to Council on this issue she discovered state funded grant monies, a CLG grant, that writes the nomination forms. She requested Council's consideration in moving forward with the city pursuing National Registry of Historical Places by applying for the grant monies available in order to prepare the nomination form for the downtown district, possibly the old south Mebane district. It was the consensus of the Council to proceed.

As an additional item, Councilmember Bradley spoke concerning Unique Places, a development firm, which specializes in taking property that you want to leave as is, finding investors, primarily conservatory groups, and establishing conservation trusts to put the land in a trust so it remains that way perpetually. He stated while reading the article about the company, the Cates property came to mind. Councilmember Bradley said that on numerous occasions citizens have said it would be wonderful if the Cates property as a natural area. He stated that he wrote Unique Places describing the Cates property and for \$2,300.00 they will come in, do an overview map of the property and provide the City with some recommendations on whether to proceed to the next phase. He stated that obviously the land owners would need to become a part of the decision process and also the City has shown some interest in the land for possible recreational facilities. Councilmember Bradley sited several beneficial reasons such as run-off protection within the city's watershed, conservation of land for the future and preserving the past along with allowing the land owners to make back the cost of their land. Councilmember Bradley recommended that Council discuss and pursue the possibility of having Unique Places perform a study and make a presentation to Council at the cost of \$2,300.00.

Ken Walker, Chairman of the Alamance County Planning Board, Mebane resident and real estate agent co-representing the Cates Family, stated after many discussions with the family he feels this project is one that they would be very interested in pursuing.

John Walker, real estate agent co-representing the Cates Family, stated the family would be thrilled to explore this option.

Councilmember Bradley made a motion to have Mayor Stephenson sign the contract with Unique Places to have them begin the initial map overview, talk with all parties involved and that the city partner with them for conservation water runoff and potential for future recreational area. Councilmember Hooks seconded the motion.

City Manager Robert Wilson requested that the family be directly contacted concerning this project proposal. The Council agreed.

Tom Boney, Editor of Alamance News, questioned if any other attempts had been made to find companies that provide the same services and has there been any bidding process in regards to this project.

City Attorney Charles Bateman stated that this type of project does not typically require a bidding process.

Tom Boney questioned if this topic invites the need for a public hearing.

City Attorney Charles Bateman stated that the project is in a very preliminary stage and at this point no public hearing is needed.

Tom Boney also questioned why the City is undertaking this project instead of the Cates Family or their agents.

Councilmember Bradley stated the primary reasons it's of interest to the City is because the property borders the city, the City has looked at the property for potential recreational facilities and one of the biggest concerns is that it sits in the middle of the watershed with tremendous run-off, it sits beside the beautiful community of Woodlawn. He stated he was particularly interested because of citizen interest to keep this property as is.

City Attorney Charles Bateman stated from the City's prospective from a public purpose, from conversations with members of the Council, we are looking at it as an appropriate investigation into future recreational use since we are looking for a recreational site on that side of the city and it fits into the watershed protection.

The motion and the second on the floor carried unanimously.

City Manager Robert Wilson requested a budget amendment in the amount of \$2,500.00 to pay for services (Phase 1) to be performed by Unique Places as discussed. Mr. Wilson stated the contract for Unique Places states that the \$2,500.00 is to be paid at the start of services; however, it is his understanding that the Local Government Commission (LGC) will not allow payment until services have been rendered. Mr. Wilson stated he would look into this and report back. Councilmember Bradley made a motion, seconded by Councilmember Hooks, to approve the budget amendment. The motion carried unanimously.

The minutes of the August 3, 2009 regular meeting were approved as presented.

Mary McFarland, 307 Wilba Rd. spoke concerning the city's current discolored water. Staff and Council explained that the discolored water is an effect of the lake turning over which is a natural phenomenon that happens bi-annually and that the matter is being handled as quickly and effectively as possible.

There being no further business, the meeting was adjourned.

Glendel Stephenson, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk